

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

ANDREAS YATES,

Plaintiff,

v.

No. 22-cv-947-KG-GJF

UNITED STATES OF AMERICA, CVS,


Defendants.

ORDER OF DISMISSAL

This matter comes before the Court *sua sponte* upon review of the docket.

Plaintiff's address of record is the Otero County Prison Facility in Chaparral, New Mexico. On November 14, 2023, the Court entered an Order to Show Cause noting that the New Mexico Corrections Department website showed that Plaintiff was not in custody and requiring Plaintiff to provide a current address as required by D.N.M. LR-Civ. 83.6 by December 14, 2023. (Doc. 14). A copy of the Order mailed to Plaintiff was returned as undeliverable on November 27, 2023. (Doc. 15). The response deadline has passed, and Plaintiff has not updated his address or otherwise responded to the Order to Show Cause. This case shall therefore be dismissed without prejudice under Fed. R. Civ. P. 41(b) for "failure to prosecute [and] comply with the ... court's orders." *Olsen v. Mapes*, 333 F.3d 1199, 1204 n. 3 (10th Cir. 2003).

IT IS THEREFORE HEREBY ORDERED that this case is DISMISSED without prejudice and a separate judgment shall be entered herewith.



UNITED STATES DISTRICT JUDGE